THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 23316 OF 2007

DATED: 19-11-2007

Between:

Mumtaz Begum, W/o. late Mohammad Iqbal

… Petitioner

And

1. The Station House Officer,
Golconda Police Station, Hyderabad
And two others

… Respondents

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ORDER:

In this writ petition, the petitioner seeks a direction to respondents 1 and 2 by way of Mandamus not to interfere with the schedule property, which is in dispute between the petitioner and third respondent, which is subject matter of O.S.No.3473 of 2007 on the file of the IX Junior Civil Judge, City Civil Courts, Hyderabad.

The petitioner herein is claiming right over the property bearing No.8-1-40/A/171/A situated at Samatha Colony, Sheikpet village, Hyderabad. It is stated that the schedule property was originally purchased by the son of the petitioner in the year 1986 and thereafter he has executed a Gift and Settlement deed in favour of the late husband of the petitioner on 29-10-1996 by registered document bearing No.3051/1996. It is the grievance of the petitioner that though the petitioner has succeeded to the said property in lieu of the death of her husband, but however, when there was illegal interference by the third respondent, the petitioner has filed a suit in O.S.No.3473/2007 on the file of the IX Junior Civil Judge, Hyderabad and obtained interim

orders in I.A.No.566 of 2007. It is also the grievance of the petitioner that though the dispute between the petitioner and the third respondent is of civil nature, the second respondent is interfering with the property and coercing the petitioner to settle the matter between her and the third respondent. It is alleged that the second respondent was calling the son of the petitioner on his mobile phone.

A counter affidavit is filed by the second respondent. While generally denying the allegations made by the petitioner, it is stated that the petitioner also lodged a complaint against the third respondent on 05-07-2007 and the same was received in the police station on 09-07-2007. With reference to the said complaint only, he has called the son of the petitioner, but there was no interference as alleged by the petitioner. It is stated in the counter "I never forced or threatened anyone including the petitioner to settle the matter with the 3rd respondent as alleged."

Except the allegation made by the petitioner, there is no other material to substantiate the interference as alleged by the petitioner. But, however, in the counter affidavit it is categorically pleaded by the second respondent that he never forced or threatened the petitioner and did not insist for any settlement between the petitioner and the third respondent.

In view of the said statement in the counter affidavit, no further adjudication is needed in this matter and placing on record the statement of the second respondent that he has not interfered and has not insisted the petitioner for any settlement between the petitioner and the third respondent, the writ petition is disposed of. It is made clear that inasmuch as the dispute is of the civil nature, any further interference will be viewed seriously.

Subject to the above observation, the writ petition is closed. No costs.

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R. SUBHASH REDDY, J.

Dt: 19-11-2007
Rns

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